

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 24374:HALE	FOR FURTHER ACTION	
	See Form PCT/IPEA/416	
International application No. PCT/IB2005/000424	International filing date (day/month/year) 21.02.2005	Priority date (day/month/year) 20.02.2004
International Patent Classification (IPC) or national classification and IPC A45D1/06, A45D1/04		
Applicant CHAN, Wing, Kin et Al.		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> <i>(sent to the applicant and to the International Bureau)</i> a total of sheets, as follows:</p> <ul style="list-style-type: none"> <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. <p>b. <input type="checkbox"/> <i>(sent to the International Bureau only)</i> a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>
<p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand 26.08.2005	Date of completion of this report 04.04.2006
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Coniglio, C Telephone No. +31 70 340-



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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-23 as originally filed

Claims, Numbers

1-12 as originally filed

Drawings, Sheets

1/11-11/11 as originally filed

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-12
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-12
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

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Re Item V.

- 1 Reference is made to the following documents:

D1 : US 6 627 852 B1

D2 : US 1 014 952 A

- 2 The present application does not meet the criteria of Article 33(1) PCT, because the subject matter of claim 1 does not involve an inventive step in the sense of Article 33(3)PCT.

- 2.1 D1, which is considered to represent the most relevant state of the art to the subject matter of claim 1, discloses, see figs 4 and 5 (the references in parentheses applying to this document):

a hair styling apparatus comprising a pair of pivotally connected handles (430,480) and a pair of detachable styling members (410,460) which are connected to the un-pivoted ends of said handles (430,480), each said styling member comprising a styling roller, built-in heating means (512) and an electrical adaptor, said styling roller being rotatable about a longitudinal axis which is substantially orthogonal to the pivotal axis joining said handles (430,480), said electrical adaptor and said styling roller including co-operative rotary electrical interfacing means so that operating power for said heating means (512) of said styling member (410,460) can be supplied from said electrical adaptor to said styling member (410,460) via said rotary electrical interfacing means (see description, column 7, lines 37-57), wherein said styling roller being rotatable relative to said handles (430,480).

- 2.2 The subject-matter of independent claim 1 differs from the disclosure of D1 in that each styling member also comprises a main housing, on which the styling roller is rotatably supported.

- 2.3 The problem to be solved by the present invention may therefore be regarded as finding an alternative styling member.

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- 2.4 However, such an alternative styling member has already been employed for the same purpose in a similar hair styling apparatus, see D2, figs 1-3. It would be obvious to the person skilled in the art, namely when the same result is to be achieved, to apply these features with corresponding effect to a hair styling apparatus according to D1, thereby arriving at a hair styling apparatus according to claim 1.
- 3 For the same reasons the subject-matter of claim 8 does not involve an inventive step (Article 33(3)PCT)
- 4 Dependent claims 2-7, 9-12 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(2) and (3) PCT). In particular the selection of complementary salient styling surfaces for the rollers, of known types of rotary-type electrical contacts and of bayonet-type connectors are regarded as mere choices among obvious possibilities, well known by a person skilled in the art.
- 5.1 The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
- 5.2 The embodiments of the invention shown in figures 4-9B do not fall within the scope of the claims, as the styling roller therein disclosed does not comprise a main housing. This inconsistency between the claims and the description leads to doubt concerning the matter for which protection is sought, thereby rendering the claims unclear, Article 6 PCT.
- 5.3 The vague and imprecise statements in the description on page 23, lines 7-19, imply that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity (Article 6 PCT) when used to interpret them.